

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WAYAN GARVEY, *on behalf of himself and all others similarly situated,*

Case No.: 2:23-cv-00920-APG-DJA

Plaintiff,

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KELLER WILLIAMS REALTY, INC. and  
BRITNEY GAITAN.

## Defendants.

**STIPULATION AND ORDER TO  
EXTEND DEADLINE FOR  
DEFENDANTS KELLER WILLIAMS  
TO RESPOND TO PLAINTIFF'S  
FIRST AMENDED COMPLAINT AND  
PLAINTIFF'S RESPONSE TO  
MOTIONS TO DISMISS**

**[FIRST REQUEST AS TO THE  
AMENDED COMPLAINT]**

## **STIPULATION**

Plaintiff WAYAN GARVEY (“Plaintiff”) by and through his counsel Craig K. Perry, Esq. of CRAIG K. PERRY & ASSOCIATES, Chris R. Miltenberger, Esq. of THE LAW OFFICE OF CHRIS R. MILTENBERGER, PLLC, and Eric H. Weitz, Esq. and Max S. Morgan, Esq. of THE WEITZ FIRM LLC, Defendant KELLER WILLIAMS REALTY, INC., by and through its counsel Michael Ayers, Esq., Clark Vellis, Esq. and Lauren Calvert, Esq., of QUINTAIROS, PRIETO, WOOD & BOYER, P.A. (“Defendant KELLER WILLIAMS”), and Defendant BRITNEY GAITAN (“Defendant GAITAN”), by and through her counsel Patrick J. Reilly, Esq. of BROWNSTEIN HYATT FARBER SCHRECK, LLP, hereby stipulate as follows:

1. On June 12, 2023, Plaintiff filed the Complaint – Class Action (the “Complaint”) in the United States District Court, District of Nevada (ECF No. 1).

2. Defendant KELLER WILLIAMS was served with the Summons and Complaint on June 15, 2023 (ECF No. 10).

1       3.    Defendant KELLER WILLIAMS was required to file a responsive pleading to  
2 the Complaint within twenty-one (21) days of its service thereof, i.e., July 6, 2022.

3       4.    Counsel for Defendant KELLER WILLIAMS was only just retained by  
4 Defendant KELLER WILLIAMS on August 15, 2023.

5       5.    Counsel for Defendant KELLER WILLIAMS contacted counsel for Plaintiff and  
6 informed them that his firm had only just been assigned the defense of this matter on August 15,  
7 2023, and that his firm required additional time within which to review this matter and formulate  
8 its defense.

9       6.    The first stipulation for extension of time was granted by this Court on August  
10 23, 2023 (ECF No. 21).

11       7.    Counsel for Defendant KELLER WILLIAMS contacted counsel for Plaintiff  
12 again and informed him that he would be requesting *pro hac vice* admission for Chicago co-  
13 counsel to appear, and requested additional time to file a responsive pleading in order to  
14 accomplish that request for admission.

15       6.    The second stipulation for extension of time was granted by this Court on  
16 September 11, 1023 (ECF No. 23) granting Defendant KELLER WILLIAMS until September  
17 27, 2023, to respond to Plaintiff's Complaint (ECF No. 1).

18       7.    Defendant GAITAN filed a Motion to Dismiss (ECF No. 24) on September 13,  
19 2023.

20       8.    On September 14, 2023, Plaintiff filed a First Amended Complaint (ECF No. 25),  
21 with a responsive pleading due date for all parties on September 28, 2023.

22       9.    On September 19, 2023, Defendant GAITAN filed her Motion to Dismiss  
23 Plaintiff's Amended Complaint (ECF No. 28), and Plaintiff's response to that Motion is due  
24 October 3, 2023.

25       10.   KELLER WILLIAMS anticipates it will be filing a dispositive motion in  
26 response to the First Amended Complaint. However, its local counsel will be out of the office  
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1 for a planned trip when the current responsive pleading is due (and a few days the following  
2 week) and has requested an extension.

3 10. In the interests of judicial economy, the parties have agreed on a briefing schedule  
4 where Plaintiff's opposition briefs to the pending Motion to Dismiss Amended Complaint (ECF  
5 No. 28) and KELLER WILLIAMS' anticipated dispositive motion be filed on the same date;

6 11. Accordingly, Plaintiff and Defendants hereby agree to the following briefing  
7 schedule:

- 8 a. Defendant KELLER WILLIAMS' deadline to file its responsive pleading to the  
9 First Amended Complaint (ECF No. 25) shall be extended until and including  
10 October 5, 2023;
- 11 b. Plaintiff WAYAN GARVEY shall respond to Defendant GAITAN's Motion to  
12 Dismiss Plaintiff's Amended Complaint on or before October 23, 2023; and
- 13 c. Plaintiff WAYAN GARVEY shall respond to Defendant KELLER WILLIAMS'  
14 responsive pleading to the First Amended Complaint on or before October 23,  
15 2023.

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1       12. This is a first request for extension of time and is being made in good faith and  
2 not for the purpose of undue delay.

3       **IT IS SO STIPULATED.**

4       DATED this 28<sup>th</sup> day of September, 2023.

5       **CRAIG K. PERRY & ASSOCIATES**

7       By: /s/ Craig K. Perry  
8           Craig K. Perry, Esq.  
9           Nevada Bar No. 3786  
10          2300 W. Sahara Ave., #800  
11          Las Vegas, NV 89102  
12          Tele: 702-228-4777  
13          *Attorneys for Plaintiff*  
14          WAYAN GARVEY

4       DATED this 28<sup>th</sup> day of September, 2023.

5       **QUINTAIROS, PRIETO, WOOD &**  
6       **BOYER, P.A.**

7       By: /s/ Michael Ayers  
8           Michael Ayers, Esq.  
9           Nevada Bar No. 10851  
10          Clark Vellis, Esq.  
11          Nevada Bar No. 5533  
12          Lauren Calvert, Esq.  
13          Nevada Bar No. 10534  
14          200 S. Virginia St., 8<sup>th</sup> Fl.  
15          Reno, NV 89501  
16          Tele: 775-322-4697  
17          *Attorneys for Defendant*  
18          KELLER WILLIAMS REALTY, INC.

12       DATED this 28<sup>th</sup> day of September, 2023.

13       **BROWNSTEIN HYATT FARBER**  
14       **SCHRECK, LLP**

17       By: /s/ Patrick J. Reilly  
18           Patrick J. Reilly  
19           Nevada Bar No. 6103  
20          100 N. City Pkwy., Ste. 1600  
21          Las Vegas, NV 89106  
22          Tele: 702-464-7033  
23          *Attorneys for Defendant*  
24          BRITNEY GAITAN

23       **ORDER**

24       The foregoing stipulation is hereby approved, with the following deadlines:

25       1. Defendant KELLER WILLIAMS shall respond to Plaintiff's First Amended  
26       Complaint on or before October 5, 2023;

2. Plaintiff WAYAN GARVEY shall respond to Defendant GAITAN's Motion to Dismiss Plaintiff's Amended Complaint on or before October 23, 2023; and

3. Plaintiff WAYAN GARVEY shall respond to Defendant KELLER WILLIAMS' responsive pleading to the First Amended Complaint on or before October 23, 2023.

IT IS SO ORDERED:

Dated: 9/29/2023

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UNITED STATES MAGISTRATE JUDGE

FIRST STIPULATION TO EXTEND DEADLINE FOR DEFENDANT KELLER WILLIAMS TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT AND PLAINTIFF TO RESPOND TO MOTIONS TO DISMISS - 5

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FIRST STIPULATION TO EXTEND DEADLINE FOR DEFENDANT KELLER WILLIAMS TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT AND PLAINTIFF TO RESPOND TO MOTIONS TO DISMISS - 6